

**OCT 18 2005**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHI JIE PAN,

Defendant - Appellant.

No. 02-10378

D.C. No. CR-99-00452-DAE-01

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Hawaii  
David A. Ezra, District Judge, Presiding

Submitted October 11, 2005<sup>\*\*</sup>

Before: NELSON, T.G., WARDLAW, and TALLMAN, Circuit Judges.

Shi Jie Pan appeals the 120-month sentence imposed following his jury-trial conviction for conspiracy to engage in alien smuggling, in violation of 8 U.S.C. § 1324(a)(1)(A)(v), and illegal alien smuggling, in violation of 8 U.S.C.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1324 (a)(2)(B)(ii). We have jurisdiction pursuant to 18 U.S.C. § 3742(a).

We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

**REMANDED.**